



February 26, 2010

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: Docket No. 05-265
Removal of Home-Market
Roaming Exception

Dear Ms. Dortch:

We write on behalf of PC Management, Inc. ("PCM") and its affiliate, Keystone Wireless, LLC.

The Commission's current roaming rules are ambiguous, and could be read in a manner that would cause them to be incredibly out-of-date. Of particular concern to PCM is the arguable residency requirement pursuant to which claim has been made by AT&T that, in order for customers of a CMRS carrier to be entitled to roam on the system of another carrier, even where the two carriers have established roaming agreements, the end user seeking service must reside within the licensed area of the carrier through which he subscribes.

Initially, it is important to appreciate that nowhere in any rule or other form of Commission pronouncement does the claimed residency requirement exist. In fact, the entire argument for such a rule appears to be a carry-over from the bygone age of wireline licensing – an era where one's physical location or postal address had some meaning.

It is now critically important that the arguable ambiguity in the rule be eliminated via rule clarification. First and foremost, the clarification will permit independent carriers to provide competitive service, including the use of Wi-Fi service, in the areas licensed to nationwide carriers. In this age where the vast majority of new customers sign up with one of the two largest carriers in the nation, this is most important. As the Commission is well aware, new competitors offer consumers more choice in any number of ways. Oftentimes, they provide service to niche sub-markets that have long been largely ignored by the largest carriers. New providers are also innovative in providing technology solutions and being more attuned to providing lowest-cost service by optimizing wireless CMRS service and Wi-Fi network service. This process of combining traditional CMRS wireless with Wi-Fi service also can lead to increased quality of service by reducing traffic congestion in major metropolitan areas. In fact, national carriers have recognized this and use it themselves – but only when they control all aspects of the operation, including subscribers.

There is no public interest benefit, or other legitimate reason, to read a residency request into the rules. Indeed, AT&T operations in the machine to machine ("M2M") arena demonstrate this clearly. Currently, AT&T participates in this business segment by providing SIM cards to M2M companies, who then place the SIM cards in devices located throughout the country. Significantly, these are placed or may operate on both AT&T's networks and on the networks of their roaming partners. AT&T has no way of knowing the physical address of the device, nor any reason to care about it. There is no meaningful difference between the M2M service that AT&T actively participates in, and the service that PCM advocates above.

AT&T's involvement with Kindle further demonstrates that there is no major, or meaningful significance to any residence required. Kindle is a highly recognized product of Amazon, and is not sold or supported by AT&T. However, the Kindle works on all GSM networks, including AT&T's and its roaming partners, both domestically and internationally. (Kindle does not work on Wi-Fi so there is no option that Amazon or AT&T could use to say that they would expect it only to use unlicensed spectrum.) More relevantly, Kindle can be purchased online and purchasers do not have to live within the AT&T licensed footprint to purchase the Kindle. Nor do end users have any type of agreement or subscription with AT&T. Purchasers can even live outside the U.S. and purchase and use Kindle over roamer partner networks. There is no significant difference between an M2M device, a Kindle e reader or a handset when providing roaming service.

For all of the above reasons, PCM urges the Commission to remove the ambiguity from its roaming rules and make clear that there are no residency requirements that apply to roaming.

Very truly yours,

PC MANAGEMENT, INC.

By: /s/ Robert Martin
Robert Martin, CEO

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